


Randal S. Mashburn
U.S. Bankruptcy Judge

Dated: 1/23/2018



**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE**

IN RE: : **CASE NO: 17-04359-RSM**
: **CHAPTER: 13**
:
MARY PATRICIA SPANN :
Debtor :
:
:
:

**AGREED ORDER RESCHEDULING HEARING ON TRUSTEE'S MOTION TO
DISALLOW CLAIM AND ASSESSING COSTS TO CONTINUE MATTER**

This matter is scheduled to be heard on February 14, 2018, continued from January 17, 2018, upon the Trustee's Application to Disallow a proof of claim asserted on behalf of Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not in its individual capacity but solely in its capacity as Certificate Trustee for NNPL Trust Series 2012-1 (payee Shellpoint Mortgage Servicing), designated as claim # 1 on the Court's claim register.

The Court finds that Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not in its individual capacity but solely in its capacity as Certificate Trustee for NNPL Trust Series 2012-1 (payee Shellpoint Mortgage Servicing) has been provided adequate time in which to produce documents necessary to establish its claim. However, it appearing to the Court that the

Trustee has agreed to a continuance of the hearing on the conditions stated in this order, the matter shall be continued; provided, however, that the continuance shall result in a set-off against Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not in its individual capacity but solely in its capacity as Certificate Trustee for NNPL Trust Series 2012-1 (payee Shellpoint Mortgage Servicing)'s claim. Thus, the Court will continue the hearing on this matter at U.S. Bankruptcy Court, Courtroom One, Second Floor Customs House, 701 Broadway, Nashville, TN 37203 at 08:30 AM on February 14, 2018, but shall affirmatively assess against Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not in its individual capacity but solely in its capacity as Certificate Trustee for NNPL Trust Series 2012-1 (payee Shellpoint Mortgage Servicing) an amount equal to the monthly payment of the ongoing mortgage obligation to which Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not in its individual capacity but solely in its capacity as Certificate Trustee for NNPL Trust Series 2012-1 (payee Shellpoint Mortgage Servicing) may be entitled for each additional month that the hearing is delayed. Thus, based upon its request, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not in its individual capacity but solely in its capacity as Certificate Trustee for NNPL Trust Series 2012-1 (payee Shellpoint Mortgage Servicing) is assessed, as a set-off, its monthly mortgage payments for the month(s) of February, 2018.

The Court also finds that, should Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not in its individual capacity but solely in its capacity as Certificate Trustee for NNPL Trust Series 2012-1 (payee Shellpoint Mortgage Servicing) locate its document prior to the rescheduled hearing date, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not in its individual capacity but solely in its capacity as Certificate Trustee for NNPL Trust Series 2012-1 (payee Shellpoint Mortgage Servicing), may request this matter be reset at an earlier date to reduce or limit the assessment herein imposed. It is, therefore,

ORDERED, the Trustee's Motion to Disallow the Claim is scheduled for hearing on February 14, 2018; it is further

ORDERED, that to compensate the other parties for the delays necessitated by the failure of Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not in its individual capacity but solely in its capacity as Certificate Trustee for NNPL Trust Series 2012-1 (payee Shellpoint Mortgage Servicing) to provide documentation necessary for the hearing, the Court assesses, as set-off, an amount equal to the monthly obligation payable to Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not in its individual capacity but solely in its capacity as Certificate Trustee for NNPL Trust Series 2012-1 (payee Shellpoint Mortgage Servicing) for the month(s) of February, 2018, such that the ongoing post-petition mortgage payment, if allowed, will be reduced by such amounts; it is further

ORDERED, that Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not in its individual capacity but solely in its capacity as Certificate Trustee for NNPL Trust Series 2012-1 (payee Shellpoint Mortgage Servicing) is prohibited and forever barred from assessing these fees, costs, and set-off amounts against the debtor or against the property which serves as collateral for its loan, if any; it is further

ORDERED, that should Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not in its individual capacity but solely in its capacity as Certificate Trustee for NNPL Trust Series 2012-1 (payee Shellpoint Mortgage Servicing) request this matter be set at an earlier date, the fees against them will be reduced by one monthly payment for each month the matter is heard prior to February 14, 2018.

This Order was Signed and Entered Electronically as Indicated at the Top of the First Page.

[END OF DOCUMENT]

Approved for entry by:

/s/ Natalie Brown

Natalie Brown

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Digitally signed by /s/ Henry E. Hildebrand, III

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This Order has been electronically
signed. The Judge's signature and
Court's seal appear at the top of the
first page.
United States Bankruptcy Court.